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Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly at its sixtieth session a report by the World Tourism Organization in response to Assembly resolution 56/212 of 21 December 2001 and decision 58/573 of 13 September 2004.

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Report by the World Tourism Organization on the implementation of the Global Code of Ethics for Tourism

Summary

The Global Code of Ethics for Tourism was adopted on 1 October 1999 at the General Assembly of the World Tourism Organization (WTO). The Code of Ethics is a set of basic principles whose purpose is to guide tourism development and to serve as a frame of reference for the different stakeholders in the tourism sector, with the objective of minimizing the negative impact of tourism on the environment and on cultural heritage while maximizing the benefits of tourism in promoting sustainable development. The Code of Ethics is not a legally binding instrument and therefore its acceptance is voluntary.

In 2001, the WTO General Assembly adopted Part I of its Protocol of Implementation, which created The World Committee on Tourism Ethics — a body responsible for interpreting, applying and evaluating the provisions of the Global Code of Ethics for Tourism. Eleven members were appointed to the Committee and endorsed by the WTO Executive Council in June 2003. The members of the Committee are independent, impartial personalities from the public and private tourism sector who have been appointed to represent their Governments, as well as other tourism stakeholders such as employers, employees, non-governmental organizations and educational institutions. The World Committee was charged with three primary tasks: promotion and dissemination of the Code of Ethics, evaluation and monitoring of the implementation of the Code, and conciliation for the settlement of differences concerning the application or interpretation of the code. Part II of the Protocol of Implementation, creating consultation and conciliation procedures, was approved by the Committee in October 2004. The procedures envisage a two-phase dispute-settlement process. In the first, the WTO Secretary-General carries out a fact-finding mission among the parties in the dispute, the result of which is submitted to the Committee for consideration. The Committee then issues recommendations for the settlement of the dispute.

In 2004, the Committee decided to carry out a survey of WTO members to assess the degree of implementation of the Code. The results would lay the groundwork for the establishment of the Committee's future strategy for promoting the implementation of the Code. The results indicate that nearly three quarters of the respondents had already incorporated the principles of the Code into their laws, regulations or tourism development plans. In 1999, Member States had been asked to disseminate the Code and translate it into national and local languages. The survey found that the Code had been translated into 33 additional languages and generally disseminated among various tourism stakeholders. The Code has also been applied in the area of promotion of responsible travel advisories. The Committee has endorsed the idea of regional tourism awards as a way of encouraging the implementation of the Code.

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I. Introduction

1. In its resolution 56/212 of 21 December 2001, the General Assembly of the United Nations noted with interest the adoption of the Global Code of Ethics for Tourism by the General Assembly of the World Tourism Organization (WTO) and requested the Secretary-General to follow up on the developments related to the implementation of that resolution based on the reports of WTO and to report thereon to the General Assembly at its fifty-ninth session. On 13 September 2004, the General Assembly decided to defer consideration of the report to its sixtieth session.

2. The present report by the World Tourism Organization is submitted to the General Assembly in response to the above-mentioned request.

II. The Global Code of Ethics for Tourism

3. The Global Code of Ethics for Tourism was adopted on 1 October 1999 at the thirteenth session of the General Assembly of the World Tourism Organization, by resolution 406(XIII).

4. The Code of Ethics constitutes a comprehensive set of basic principles whose purpose is to guide tourism development and to serve as a frame of reference for the different stakeholders in the tourism sector, with the objective of minimizing the negative impact of tourism on the environment and on cultural heritage while maximizing the benefits of tourism in promoting sustainable and responsible development, including poverty alleviation, as well as understanding among nations.

5. The structure of the Code comprises a Preamble, the Principles (9 articles) and a mechanism for their implementation (article 10).

6. The Code of Ethics is not a legally binding instrument and therefore its acceptance is voluntary. The voluntary nature of this instrument is a feature on which the WTO places particular emphasis. The application of the Code may, nevertheless, be advanced by the incorporation of its contents and provisions into appropriate legislation, regulations and professional codes that the General Assemblies of both WTO and the United Nations (the latter in resolution 56/212) have invited Governments and other stakeholders in the tourism sector to consider. Such provisions, based on the Code and adopted at national or industry levels, would be binding according to the terms of reference of each adopting constituency. Yet they would not change the voluntary nature of the Code itself, which will remain a reference and guiding document.

7. Furthermore, it should be noted that the initial text of the Code of Ethics, submitted in 1999 to the WTO General Assembly for adoption, was originally complemented by a draft protocol of implementation which related to two essential elements of the implementation process covered by article 10 of the Code, viz. the creation of the World Committee on Tourism Ethics as a flexible follow-up and evaluation mechanism, and the development of conciliation procedures based on a voluntary acceptance. While fully subscribing to these two purposes, the General Assembly decided to adopt only the main body of the Code of Ethics and to postpone its decision on the draft protocol of implementation so as to allow member States and organizations to submit additional remarks and propose amendments to it.

8. A revised draft protocol of implementation was submitted to the WTO General Assembly at its fourteenth session in September 2001. The General Assembly, by resolution 438(XIV), adopted Part I of the Protocol of Implementation, entitled "World Committee on Tourism Ethics — body responsible for interpreting, applying and evaluating the provisions of the Global Code of Ethics for Tourism". This part of the Protocol lays down the conditions governing the appointment and terms of reference of the Committee.

9. By the same resolution, the General Assembly decided to refer Part II of the Protocol of Implementation related to the conciliation mechanism for the settlement of disputes to the World Committee on Tourism Ethics for review. The text of this instrument, as approved by the Committee in 2004, will be submitted to the WTO General Assembly at the end of 2005.

III. The World Committee on Tourism Ethics

10. With the adoption in 2001 of Part I of the Protocol of Implementation, entitled "World Committee on Tourism Ethics — body responsible for interpreting, applying and evaluating the provisions of the Global Code of Ethics for Tourism", the WTO General Assembly also decided to start the process of appointing the members of the Committee.

11. The appointment of the 11 members and 11 alternates of the Committee took place throughout 2002 and the beginning of 2003 within the framework of the six WTO regional commissions and the Committee of the Affiliate Members. The process concluded in June 2003 with the endorsement of the composition of the new Committee by the WTO Executive Council (decision CE/DEC/12(LXX)).

12. The members of the Committee are independent and impartial personalities from the public and private tourism sector who have been appointed to represent Governments, as well as other categories of tourism stakeholders from the operational sector, such as employers, employees, educational institutions and non-governmental organizations.

13. At the Committee's first session held in February 2004 and following a proposal by the WTO Secretary-General that had been endorsed by the General Assembly, Mr. Diego Cordovez, a former Under-Secretary-General of the United Nations and former Minister for Foreign Affairs of Ecuador, was elected Chairman of the Committee.

14. The tasks assigned by the WTO General Assembly to the World Committee on Tourism Ethics are threefold:

(a) Promotion and dissemination of the Global Code of Ethics;

(b) Evaluation and monitoring of the implementation of the Code of Ethics; and

(c) Conciliation for the settlement of differences concerning the application or interpretation of the Code.

15. Since its establishment, the Committee has held three sessions: in Rome in February 2004, in Madrid in October 2004, and in Tunis in May 2005. The Committee adopted its Rules of Procedure, established its programme of work, approved consultation and conciliation procedures as well as guidelines for the

consideration of disputes, and adopted recommendations for the settlement of the first cases of dispute.

IV. Consultation and conciliation procedures

16. As requested by the General Assembly, the Committee considered Part II of the draft protocol of implementation for the settlement of disputes at its first session in February 2004. In October of the same year, after examining a revised draft proposed by its Chairman, the Committee approved unanimously the Procedures for Consultation and Conciliation for the Settlement of Disputes concerning the Application of the Global Code of Ethics for Tourism.

17. This instrument is a flexible and voluntary consultation and conciliation — not arbitration — mechanism in which two or more countries (or even one country and a non-governmental organization or industry business) can refer a dispute to the Committee with a view to reaching a solution to their differences. Particular emphasis should be placed on the voluntary nature of the submission of cases of dispute to the Committee for conciliation, as no party can be obliged to submit a matter against its will.

18. The Procedures envisage two phases in the dispute-settlement process. In the first instance, the WTO Secretary-General and the technical services of the organization carry out a fact-finding function among parties in a dispute, the result of which is then submitted to the Committee for its consideration. In the second phase, the Committee considers all the issues involved, for which purpose it may establish a panel of members, and issues recommendations for the settlement of the dispute. Individual stakeholders may also seek the Committee's advice on specific aspects of the implementation of the Code.

19. The Procedures for Consultation and Conciliation for the Settlement of Disputes were approved unanimously by the WTO Executive Council in December 2004, by decision CE/DEC/14(LXXIV). By the same decision the Executive Council encouraged the Committee to start with the implementation of the new mechanism.

20. In May 2005, after receiving the first cases of dispute submitted to it for consultation, and given the nature of some of the complaints, the Committee considered it necessary to complement the consultation and conciliation mechanism with a set of guidelines concerning the admissibility of individual applications in cases of dispute or cases of complaint. Under the terms of the guidelines, which the Committee unanimously adopted, applications that are submitted unilaterally will only be considered by the Committee if submitted by parties not directly involved in the dispute in question.

21. However, in cases in which a non-application of ethical principles in the field of tourism is observed, the above-mentioned guidelines do not preclude the Committee from issuing, on its own initiative, clarifications about the correct implementation of the Code of Ethics or to give advisory opinions for future guidance.

22. The Procedures for Consultation and Conciliation for the Settlement of disputes will be submitted, for final adoption, to the WTO General Assembly at its sixteenth session, which will be held in Dakar, Senegal, from 25 November to 2 December 2005.

V. Implementation of the Global Code of Ethics for Tourism

A. Country survey on the implementation of the Code

23. At its first meeting, in February 2004, the World Committee on Tourism Ethics decided to carry out an extensive survey among WTO members with a view to assessing the actual degree of implementation of the Global Code of Ethics for Tourism worldwide and establishing an inventory of the measures taken so far to promote and disseminate this instrument.

24. The outcome of this 12-month survey, carried out between 2004 and 2005 among WTO members from both the public and the private tourism sector, was designed to lay down the groundwork for the establishment of the Committee's future strategy for promoting the implementation of the Code of Ethics.

25. With a response rate of 61 per cent, the findings are based on replies received from 92 full and associate members of the organization, including two permanent observers. The survey results indicate that nearly three quarters of respondents had already incorporated the principles of the Global Code of Ethics for Tourism into their legislative texts, or had used them as a basis when establishing national laws, regulations or tourism development plans. Several member States provided the exact title and year of the law, regulation or master plan concerned, while others reported the existence or the preparation of national or sectoral codes of ethics.

26. With the adoption of the Code of Ethics in 1999, the WTO General Assembly also urged the member States to publish the Code and make it known as widely as possible. In order for each country to reach the largest possible number of local tourism stakeholders, it was recommended that national tourism administrations or other related bodies arrange for the Code to be translated, where applicable, into their national or local languages.

27. According to the findings of the survey, the Code has been translated in 33 countries whose national languages were other than Arabic, English, French, Russian or Spanish, the five official languages of the organization. As many as 24 of these translations were made available to the secretariat of the Committee, where they were registered and then placed on the "Ethics in tourism" website (http://www.world-tourism.org/code_ethics/eng.html), which is accessible to the public in general.

28. Moreover, with regard to the dissemination of the Code of Ethics to the various "stakeholders in tourism development", national tourism administrations in member countries declared that they had predominantly distributed the Code to tourism industry associations (76 per cent of respondents). Dissemination had also been carried out among tourism education institutes (60 per cent); regional or local tourism authorities (59 per cent); tourism promotion boards (57 per cent); tourism workers' unions, non-governmental organizations and researchers/academics (51 per cent each); the media (46 per cent); tourists and visitors (32 per cent); and, lastly,

financing institutions (22 per cent). In exceptional cases, the Code of Ethics was also distributed to the other government departments, or local schools.

29. In addition to the dissemination and the translation of the Code of Ethics, the types of actions most frequently reported by members were, in decreasing order of occurrence, the organization of meetings, workshops and round tables; the production of leaflets containing guidelines and best practices; the holding of press conferences; and the running of capacity-building events at universities, or training for tourism police. In a small number of countries, the Code of Ethics has been posted in hotel lobbies, or promoted by means of road shows. As a complementary means of advancing the Code, some respondents also cited the launch of national campaigns on specific aspects covered by the Code, such as the prevention of the sexual exploitation of children in tourism (a phenomenon commonly known as "child sex tourism").

30. Finally, the findings of the survey show that, in line with a WTO recommendation, 50 member States had designated an official from within their national tourism administrations to serve as focal point for the follow-up of the implementation of the Code of Ethics in their respective countries. Three additional countries have assigned a whole department or division of their tourism administration to carry out this function. In three other countries, national committees for the implementation of the Code have been established with representatives from government and the industry.

31. Based on the information collected by means of this survey, the Committee will establish a short- and medium-term strategy to improve the promotion of the Code of Ethics worldwide and strengthen the implementation of its provisions by the tourism sector.

B. Application of the Code to travel advisories

32. The issue of travel advisories is addressed by the Code of Ethics in a balanced manner in paragraph 5 of article 6, "Obligations of stakeholders in tourism development". This subject has increasingly gained importance for the tourism industry, especially after 2001, when the industry started experiencing serious difficulties as a consequence of the various terrorist attacks, health threats and other problems it had to face.

33. It is the duty of Governments to protect their citizens and to inform them of the dangers they may encounter during their travel abroad. However, tourist destinations and host communities are not always treated in a fair manner by travel advisories, thus creating real obstacles to their tourism development. The contents of the warnings that are issued are often too vague or not proportionate to the gravity of the situations encountered; and, sometimes, they even fail to be updated or cancelled when the situation improves or comes back to normality.

34. The WTO Executive Council, therefore, included discussion on travel advisories within the debate on the implementation of the Global Code of Ethics for tourism and the principles related to responsible tourism which took place at its past two sessions, held in Salvador de Bahia, Brazil, and Nessebar, Bulgaria, respectively in December 2004 and June 2005. In Nessebar, the Executive Council decided to constitute a working group to deal in greater depth with the

recommendations on travel advisories and to report thereon to the WTO General Assembly at its sixteenth session (December 2005).

C. Implementation parameters for the Code

35. At its first session, in Rome in February 2004, the World Committee on Tourism Ethics entrusted the WTO secretariat with the preparation of implementation parameters to assist in the interpretation of the provisions of the Code of Ethics and in the evaluation of the degree of implementation of the latter. The parameters would also serve as a reference tool for WTO members for their practical implementation of the Code.

36. A first set of implementation parameters related to articles of the Code, having a special focus on such areas as trade, safety and security and quality in tourism, have already been examined by the Committee in 2004. The final part of the study on the parameters is still under revision by the technical services of the WTO secretariat, and will be ready for consideration of the Committee, at its next meeting in 2006.

37. Once approved by the Committee, the implementation parameters for the Global Code of Ethics for Tourism will be distributed to the WTO membership.

D. Complementary ways of implementing the Code

38. Based on a proposal submitted to it by the WTO Commission for East Asia and the Pacific, the Committee considered the establishment of a tourism award, such as the Indonesian Tri Hita Karana ("three causes of happiness") Tourism Award, as a concrete and valuable example of promoting the understanding and the implementation of the Code.

39. The Committee therefore decided to endorse the Tri Hita Karana Tourism Award as a complementary way of encouraging the implementation of the Code of Ethics and appealed to other countries and regions to develop similar awards.

VI. Conclusions

40. **The Secretary-General of the WTO expresses his satisfaction to the members of the organization for their acceptance of the Global Code of Ethics for Tourism and for the measures they have taken so far to implement the provisions it contains. Five years after its adoption, the Code has proved to be a valuable tool for guiding tourism stakeholders in the development of environmentally and socially sound and sustainable tourism.**

41. **After an arduous process of constitution, it now appears that the World Committee on Tourism Ethics has adopted the right approach in dealing with ethical principles and questions related to tourism and is proceeding, step by step, in an overall satisfactory and competent manner. The efforts deployed by the Committee for the promotion and dissemination of the Code are now beginning to show their first results. The Consultation and Conciliation**

Procedures for the Settlement of Disputes, recently approved by the Committee, seem generally acceptable to WTO members.

42. **The contribution that the Committee can make in the future to the international tourism community is of great importance for all those stakeholders involved in promoting and developing an equitable and responsible world tourism. A few institutional and administrative adjustments are still necessary so as to enable the Committee to carry out more effectively the important tasks it has been entrusted with.**

43. **The Secretary-General of the WTO will undertake to report to the Secretary-General of the United Nations, within a period of five years, on developments related to the progress achieved in the implementation of the Code of Ethics by both the public and private tourism sector.**

Annex

2004-2005 Survey on the implementation of the Global Code of Ethics for Tourism

Replies to questionnaire QUEST/GCET/2004 (as of 30/06/2005)

WTO member States, associate members and permanent observers

1. Algeria
2. Angola
3. Argentina
4. Armenia
5. Austria
6. Azerbaijan
7. Bangladesh
8. Benin
9. Bhutan
10. Bolivia
11. Brazil
12. Burundi
13. Cambodia
14. Cameroon
15. Canada
16. Central African Republic
17. Chile
18. Colombia
19. Congo
20. Costa Rica
21. Côte d'Ivoire
22. Cyprus
23. Czech Republic
24. Dominican Republic
25. Ecuador
26. Egypt
27. El Salvador
28. Eritrea
29. Fiji
30. Flemish Community of Belgium
31. France
32. Gabon
33. Germany
34. Greece
35. Guatemala
36. Guinea
37. Holy See
38. Honduras
39. Hong Kong, China
40. Hungary
41. Indonesia
42. Iran, Islamic Republic of
43. Israel
44. Italy
45. Jamaica
46. Japan
47. Jordan
48. Kenya
49. Kyrgyzstan
50. Lesotho
51. Madagascar
52. Madeira, Portugal
53. Malawi
54. Malaysia
55. Mali
56. Malta
57. Mauritius
58. Mexico
59. Monaco
60. Morocco
61. Netherlands
62. Niger
63. Nigeria
64. Oman
65. Pakistan
66. Panama
67. Paraguay
68. Peru
69. Philippines
70. Poland
71. Portugal
72. Puerto Rico
73. Republic of Korea
74. Republic of Moldova
75. Romania
76. Saudi Arabia
77. Senegal
78. Serbia and Montenegro
79. Seychelles
80. Slovakia
81. Slovenia
82. South Africa
83. Spain
84. Syrian Arab Republic

85. Thailand
86. Togo
87. Turkey
88. Uganda
89. Ukraine
90. United Republic of Tanzania
91. Venezuela
92. Viet Nam